

**MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, OCTOBER 29, 2002
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.**

Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Kathy Campbell
Larry Hudkins
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk
Diane Staab, Deputy County Attorney
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was convened at 1:30 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, October 22, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk or can be accessed at <http://www.ci.lincoln.ne.us>)

MOTION: Hudkins moved and Heier seconded approval of the minutes of the Board of Commissioners meeting dated October 22, 2002. Campbell, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

- 2) **SPECIAL PRESENTATIONS:**

A. The County-City Volunteer of the Month Award was presented to Jan Madsen for her services with the Cooperative Extension Office.

2) **SPECIAL PRESENTATIONS CONTINUED:**

B. Special Thanks to the Employees of Lancaster County for the Success of the 2002 Food Drive - Scott Young, Executive Director for the Lincoln Food Bank

A special thank you was given from Scott Young, Executive Director for the Lincoln Food Bank, to Cori Beattie, Administrative Secretary to the County Board, and to the employees of Lancaster County for their efforts on the 2002 Food Drive.

C. Induction of members into the Star City Super Star Hall of Fame - Sandi Witkowicz and Sheila O'Connor, Lincoln-Lancaster Convention and Visitors Bureau.

At the request of the Lincoln-Lancaster Convention and Visitors Bureau, the induction of members into the Star City Super Star Hall of Fame was deferred to Tuesday, November 5, 2002.

D. The Commissioners Award of Excellence was presented to Deb VanLent, Mental Health Specialist with the Community Mental Health Center, for October, 2002.

3) **PUBLIC COMMENT:**

Bob VanValkenburg, 7921 Reno Road, Lincoln, Nebraska, appeared and addressed his concerns relating to the responsibilities of the County Assessor.

4) **CLAIMS: Approval of all claims processed through Tuesday, October 29, 2002.**

MOTION: Heier moved and Hudkins seconded approval of all claims processed through October 29, 2002. Heier, Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

5) **OLD BUSINESS:**

A. A political subdivision tort claim filed against Lancaster Manor by Naoma Hilligoss, power of attorney for Nona Gardner, for lost property, in the amount of \$838.

5) **OLD BUSINESS CONTINUED:**

Naoma Hilligoss, power of attorney for Nona Gardner, appeared and indicated the cost to replace the upper denture was \$915 instead of \$838.

MOTION: Campbell moved and Heier seconded to accept the Director's recommendation and deny the political subdivision tort claim filed against Lancaster Manor by Naoma Hilligoss, power of attorney for Nona Gardner, for lost property, in the amount of \$838. Campbell, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

6) **NEW BUSINESS:**

A. An application from Olsson and Associates for Utility Permit 627 for the placement of fill on County road right-of-way in advance of a 48 inch water line. A separate permit will be submitted for the placement of the water line. The current permit is for permanent fill along 84th Street between Roadway Station 632 + 00 and 635 + 00. (C-02-0534)

MOTION: Heier moved and Campbell seconded approval of an application from Olsson and Associates for Utility Permit 627 for the placement of fill on County road right-of-way in advance of a 48 inch water line. A separate permit will be submitted for the placement of the water line. The current permit is for permanent fill along 84th Street between Roadway Station 632 + 00 and 635 + 00. Heier, Workman, Stevens, Campbell and Hudkins voted aye. Motion carried.

B. A utility relocation agreement with Norris Public Power District of Beatrice for the adjustment and relocation of utilities due to widened right-of-way and construction on County Project C55-O-287, more particularly described as, Southwest 56th Street, Yankee Hill Road south .25 miles. The County shall pay up to \$6,000 for the relocation and adjustment. (C-02-0536)

6) **NEW BUSINESS CONTINUED:**

MOTION: Hudkins moved and Stevens seconded approval of a utility relocation agreement with Norris Public Power District of Beatrice for the adjustment and relocation of utilities due to widened right-of-way and construction on County Project C55-O-287, more particularly described as, Southwest 56th Street, Yankee Hill Road south .25 miles. The County shall pay up to \$6,000 for the relocation and adjustment. Stevens, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

C. Certificate of authority and easement agreement with the Department of the Army for constructing a slope for public road improvements, bridge rail and approach guardrail replacement. The Army will grant the easement in exchange for the construction and maintenance which will benefit the United States and the general public. The easement is generally located at 5500 Panama Road located on Salt Creek and Tributaries Dam 9 at Stagecoach Lake. (C-02-0535)

MOTION: Hudkins moved and Stevens seconded approval of a certificate of authority and easement agreement with the Department of the Army for constructing a slope for public road improvements, bridge rail and approach guardrail replacement. The Army will grant the easement in exchange for the construction and maintenance which will benefit the United States and the general public. The easement is generally located at 5500 Panama Road located on Salt Creek and Tributaries Dam 9 at Stagecoach Lake. Workman, Campbell, Hudkins, Stevens and Heier voted aye. Motion carried.

D. An agreement with Visinet, Inc. for professional services in the area of care coordination using the wraparound process for youth, 10 to 18 years old, who have severe emotional disorders and who are in or at risk of becoming involved with the juvenile justice system. The contractor shall employ two full-time employees as care coordinators. The County shall pay Visinet, Inc. \$78,000 for the services. The term of the agreement is August 1, 2002 to July 30, 2003. (C-02-0537)

Renee' Dozier, Service Development Director for Families First and Foremost, appeared and stated the contract addresses reductions and insurance requirements.

6) **NEW BUSINESS CONTINUED:**

Diane Staab, Deputy County Attorney, noted that the contract originated from the state ward contract which the County Attorney's office would not sign off on as per form.

MOTION: Campbell moved and Heier seconded approval of an agreement with Visinet, Inc. for professional services in the area of care coordination using the wraparound process for youth, 10 to 18 years old, who have severe emotional disorders and who are in or at risk of becoming involved with the juvenile justice system. The contractor shall employ two full-time employees as care coordinators. The County shall pay Visinet, Inc. \$78,000 for the services. The term of the agreement is August 1, 2002 to July 30, 2003. Workman, Heier, Campbell and Stevens voted aye. Hudkins voted no. Motion carried.

E. A grant contracts with Cedars Youth Services for the following:

1. **Community Integration Team grant, in the amount of \$62,000, beginning July 1, 2002 and ending June 30, 2003. Cedars shall contribute \$34,731 in matching funds. (C-02-0538)**
2. **Minority Outreach Diversion Program, in the amount of \$32,000, beginning July 1, 2002 and ending June 30, 2003. Cedars shall contribute \$11,226 in matching funds. (C-02-0539)**
3. **Truancy Intervention Program for juveniles placed by the Probation Department or the courts, in the amount of \$48,000, beginning July 1, 2002 and ending June 30, 2003. Cedars shall contribute \$27,000 in matching funds. (C-02- 0540)**
4. **Management of Project SEEK, in the amount of \$35,000, beginning July 1, 2002 and ending June 30, 2003. Cedars shall contribute \$7,313 in matching funds. (C-02-0541)**

MOTION: Heier moved and Stevens seconded approval of grant contracts with Cedars Youth Services for the Community Integration Team grant, the Minority Outreach Diversion program, the Truancy Intervention program and the management of Project SEEK. Heier, Stevens, Workman and Hudkins voted aye. Campbell abstained from voting. Motion carried.

6) NEW BUSINESS CONTINUED:

F. A grant contract with Lincoln Action Program, Inc. to provide ancillary services for Adult Drug Court participants. The County will make a grant in the amount of \$7,051.11. The term of the grant is July 1, 2002 to September 30, 2002. (C-02-0543)

MOTION: Stevens moved and Campbell seconded approval of a grant contract with Lincoln Action Program, Inc. to provide ancillary services for Adult Drug Court participants. The County will make a grant in the amount of \$7,051.11. The term of the grant is July 1, 2002 to September 30, 2002. Hudkins, Campbell, Stevens, Heier and Workman voted aye. Motion carried.

G. An agreement with the City of Lincoln and the United Way of Lincoln for funding the implementation of the Community-Based Human Needs Assessment. The County has previously entered into an agreement with the University for those services in the amount of \$105,000. The term of the funding agreement is July 1, 2002 to June 30, 2003. The parties shall each contribute \$35,000 to cover the cost of the agreement with the University. (C-02-0544)

MOTION: Campbell moved and Heier seconded approval of an agreement with the City of Lincoln and the United Way of Lincoln for funding the implementation of the Community-Based Human Needs Assessment. The County has previously entered into an agreement with the University for those services in the amount of \$105,000. The term of the funding agreement is July 1, 2002 to June 30, 2003. The parties shall each contribute \$35,000 to cover the cost of the agreement with the University. Campbell, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

H. An agreement with Richard Estrada to make payments to Lancaster County in the amount of \$50 per month, beginning November 1, 2002 until the sum of \$1,161.38 has been repaid in full to the County of Lancaster. The County mistakenly disbursed a settlement check, in the amount of \$1,161.38, to Mr. Estrada which he cashed. (C-02-0542)

Diane Staab, Deputy County Attorney, explained that the check was issued in error by the Clerk of the District Court's office. She stated the individual cashed the check, however, he is willing to pay the amount back through a payment plan.

6) **NEW BUSINESS CONTINUED:**

Heier asked if the individual was paying interest.

Staab responded no.

Heier asked if the County Board could set policy on repayment situations.

Staab stated it is customary for the County Attorney's office to work out an agreement with an individual regarding repayment and that to her knowledge interest had never been charged, however, it would be something they could look into.

MOTION: Campbell moved and Stevens seconded approval of an agreement with Richard Estrada to make payments to Lancaster County in the amount of \$50 per month, beginning November 1, 2002 until the sum of \$1,161.38 has been repaid in full to the County of Lancaster. The County mistakenly disbursed a settlement check, in the amount of \$1,161.38, to Mr. Estrada which he cashed. Campbell, Stevens and Workman voted aye. Heier and Hudkins voted no. Motion carried.

Campbell requested that the Chair send a letter to the County Attorney inquiring about interest charges in relation to repayment plans and to also request the County Attorney discuss the issue, at his convenience, with the County Board.

MOTION: Campbell moved and Heier seconded requesting the Chair to send a letter to the County Attorney inquiring about interest charges in relation to repayment plans and to also request the County Attorney discuss the issue with the County Board. Heier, Workman, Stevens, Campbell and Hudkins voted aye. Motion carried.

I. Exchange of properties and execution of deeds for County properties legally described as Lot 111, Irregular Tract located in the southwest quarter of Section 35, Township 10 North, Range 6 East of the 6th Prime Meridian, Lincoln, Lancaster County, Nebraska and 1309 "M" Street, Original Plat, Block 90, Lots 4 through 6 in exchange of properties owned by B & J Partnership, LTD., located at 902 "K" Street and 400 South 9th Street. (C-02-0545 and C-02-0546)

Ed Tricker, attorney representing R H Rogers Investment Co., appeared and requested the County Board reject the exchange of properties and execution of deeds.

6) **NEW BUSINESS CONTINUED:**

Tricker gave a brief overview of the following documents: *Valuation Comparison* (Exhibit 1) and *Sale versus Exchange* (Exhibit 2) noting that it is his opinion the transaction is not an exchange of properties, but a sale of properties, and it would not be in the best interests of the County. He indicated if the transaction was a sale, as he believes it to be, the County is under a statutory obligation to hold a public auction.

Hudkins asked Tricker if his client was prepared to pay \$338,000 for the property.

Tricker responded that his client was prepared to pay well in excess of \$130,000 for the property.

MOTION: Campbell moved and Hudkins seconded to defer action for one week regarding the exchange of properties and execution of deeds for County properties legally described as Lot 111, Irregular Tract located in the southwest quarter of Section 35, Township 10 North, Range 6 East of the 6th Prime Meridian, Lincoln, Lancaster County, Nebraska and 1309 "M" Street, Original Plat, Block 90, Lots 4 through 6 in exchange of properties owned by B & J Partnership, LTD., located at 902 "K" Street and 400 South 9th Street. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

J. A resolution directing the County Treasurer to issue tax sale certificates to the County on all parcels of real estate where there are delinquent taxes and also directing the County Attorney's office to begin tax foreclosure proceedings. (R-02-0129)

MOTION: Campbell moved and Heier seconded approval of Resolution 02-0129 directing the County Treasurer to issue tax sale certificates to the County on all parcels of real estate where there are delinquent taxes and also directing the County Attorney's office to begin tax foreclosure proceedings.

Stevens inquired about a report listing all parcels of real estate in the County on which taxes are delinquent.

Campbell stated she was comfortable approving the resolution as long as the County Treasurer supplies the Board with a copy of the listing.

ROLL CALL: Workman, Hudkins, Campbell, Stevens and Heier voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

The Chair agreed to call the County Treasurer's office regarding a copy of the listing of all parcels of real estate within the County on which taxes are delinquent.

K. Recommendation from the Purchasing Agent and the County Engineer to award a bid to Van Deist Supply Company, in the amount of \$10,694.40, for Dow Pathway brush killer chemicals. (B-02-0036)

MOTION: Hudkins moved and Stevens seconded approval to award a bid to Van Deist Supply Company, in the amount of \$10,694.40, for Dow Pathway brush killer chemicals for the County Engineering Department. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

L. Recommendation from the Purchasing Agent and the County Engineer to award a bid to Theisen Construction, Inc., in the amount of \$16,630, to repair County bridge B-230, located on North 84th Street over Rock Creek between Ashland Road and Little Salt Road in Lancaster County. (B-02-0038)

MOTION: Hudkins moved and Campbell seconded approval to award a bid to Theisen Construction, Inc., in the amount of \$16,630, to repair County bridge B-230, located on North 84th Street over Rock Creek between Ashland Road and Little Salt Road in Lancaster County. Stevens, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

M. Recommendation from the Purchasing Agent and from the Pension Services Evaluation Committee to award a request for proposal (RFP) and enter into contract negotiations with Segal Advisors for review of the current County Employee Pension Plan. Estimated cost for Phase I will be \$10,000, which includes all expenses. (B-02-0037)

MOTION: Stevens moved and Campbell seconded approval to award a request for proposal (RFP) and enter into contract negotiations with Segal Advisors for review of the current County Employee Pension Plan. Estimated cost for Phase I will be \$10,000, which includes all expenses. Heier, Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

7) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

1. **County Attorney's Quarterly Report for July 1, 2002 through September 30, 2002.**

B. A resolution in the matter of an application for an addition to licensed premises from Hotdam, Inc. d/b/a Pawnee Marina, located at 3805 Northwest 105th Street in Lancaster County, Nebraska. The addition will include a deck and volleyball courts to the west of the marina. (R-02-0132)

C. A resolution authorizing removal and installation of the following traffic signs in Lancaster County: (R-02-0131)

- ▶ **On Pine Lake Road between South 84th Street and Nebraska Highway 2 reduce the speed limit from 50 miles per hour to 45 miles per hour and replace the existing speed limit signs to reflect the change.**
- ▶ **Install 20 mile per hour speed advisory plates on existing turn signs at the following locations. The left turn sign for eastbound traffic located on "A" Street west of South 120th Street and the right turn sign for southbound traffic located on South 120th Street north of "A" Street.**

MOTION: Hudkins moved and Stevens seconded approval of the Consent Items. Campbell, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

8) **ADJOURNMENT:**

MOTION: Heier moved and Campbell seconded adjournment of the Board of Commissioners meeting at 3:06 p.m. Stevens, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, OCTOBER 29, 2002
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Kathy Campbell
Larry Hudkins
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Rob Ogden, Chief Deputy County Assessor
Trish Owen, Chief Deputy County Clerk
Diane Staab, Deputy County Attorney
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was convened at 3:06 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, October 22, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

MOTION: Hudkins moved and Stevens seconded approval of the minutes of the Board of Equalization meeting dated October 22, 2002. Campbell, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 3) **ADDITIONS AND DEDUCTIONS:**

Approval of 11 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Heier moved and Campbell seconded approval of the additions and deductions to the tax assessment rolls. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Nebraska Wesleyan University
Women in Community Service, Inc.
YWCA of Lincoln**

MOTION: Heier moved and Campbell seconded approval of the motor vehicle tax exemptions. Workman, Hudkins, Campbell, Stevens and Heier voted aye. Motion carried.

5) **NOTICE OF VALUATION CHANGE FOR OMITTED OR UNDERVALUED PROPERTY:**

Hartland Homes, Inc.

MOTION: Hudkins moved and Campbell seconded to set a public hearing for Tuesday, November 12, 2002 in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding a notice of valuation change for omitted or undervalued property for Hartland Homes, Inc. Stevens, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

A & E Inc.

Alva Paul, representing A & E Inc., appeared and submitted documentation into the record regarding the property (Exhibit 1).

Campbell suggested holding the notice of valuation change to allow for further review by the County Assessor's office.

MOTION: Campbell moved and Hudkins seconded to place the notice of valuation change for omitted or undervalued property for A & E Inc. on pending until further notice. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

6) **ADJOURNMENT:**

MOTION: Heier moved and Hudkins seconded adjournment of the Board of Equalization meeting at 3:17 p.m. Heier, Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

Bruce Medcalf
County Clerk